



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

April 16, 2009

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

VIA CERTIFIED MAIL

7002 0510 0002 7964 9688

Mr. Rich Montgomery
United Minerals Company, LLC
P.O. Box 400
409 Van Buren Street
Huntingburg, Indiana 47542

Dear Mr. Montgomery:

Re: Request to Modify
NPDES General Permit No. ING040206
Somerville East Mine
Dubois County

Your request for modification of the above-referenced discharge permit to change Outfall 017 (latitude 38°, 19', 27.3", longitude 87°, 15', 06.6", with discharge to Hat Creek) to Reclamation status has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the IDNR in Jasonville, Indiana that the area that this outfall serves is ready for this change. Therefore your petition to change the mine drainage status of existing Outfall 017 from alkaline status to reclamation has been approved in accordance with Indiana Rules promulgated under 327 IAC15-7.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

Mr. Rich Montgomery
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This modification shall become effective on **May 1, 2009**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on April 30, 2010. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

cc: Dubois County Health Department

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

65-42 PS/CYC (4D 5/4) 7002 0510 0002 7964 9688
MR RICH MONTGOMERY
UNITED MINERALS CO., LLC
P.O. BOX 400, 409 VAN BUREN ST
HUNTINGBURG IN 47542

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

APR 17 2009

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service lab)

7002 0510 0002 7964 9688

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2009 – 4D -GP

DATE OF NOTICE: April 16, 2009

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

SOMERVILLE EAST MINE, Permit No. ING040206, DUBOIS COUNTY, Huntingburg, IN. This facility will discharge non-process wastewater from a coal mine reclamation facility to Hat Creek. This modification is being issued because the facility is changing mine drainage status of Outfall 017 to reclamation. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

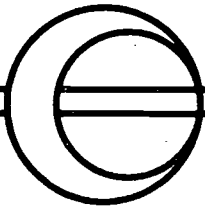
- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



United Minerals Company, LLC

P.O. Box 400 • 409 Van Buren Street • Huntingburg, IN 47542
Phone 812-683-5024 • Fax 812-683-5049

February 11, 2009

Indiana Dept. of Environmental Management
Office of Water Management, Permit Section
100 North Senate Avenue, Rm N1255
Indianapolis, IN 46204-2222

Re: General NPDES Permit Update
ING040206
Somerville East Mine

2009 FEB 16 P 12:00
IDEM
OFFICE OF
WATER QUALITY

Dear Sir or Madam:

Please find enclosed a revised basin summary page and NOI for General NPDES Permit #ING040206. This revision addresses the following changes. Outfall 017 is being changed to reclamation status.

If you have any questions regarding this matter, feel free to contact me at (812) 683-5024.

Sincerely,

Richard Montgomery
UMI Permit Specialist

February 11, 2009

Indiana Dept. of Environmental Management
Office of Water Management
Permits Section
100 North Senate Avenue
P. O. Box 6015
Indianapolis, IN 46206-6015

RE: Notice of Intent to Comply with 327 IAC 15-7
NPDES Permit #ING040206

Dear Sir or Madam:

Black Beauty Coal Company submits this notice of intent to comply with 327 IAC 15-7 regulating facilities engaged in mining of coal, coal processing and reclamation activities.

Black Beauty Coal Company, 7100 Eagle Crest Blvd., Suite 100, Evansville, IN 47715 is a privately-owned partnership which currently holds, or has applied for, a valid mining permit for the Somerville East Mine located in Sections 19 & 30, T2S R7W, and Sections 24 & 25, T2S R8W, all of the above located in Monroe Township – NE, Pike County, Indiana. This area being identified is within the Oakland City & Augusta USGS 7.5 Minute Quadrangles. Our Standard Industrial Classification code is 1211.

Change outfall 017 to reclamation.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Should you have any questions or comments regarding this submittal, please contact me at our Evansville office, (812) 424-9000.

Sincerely,



Rich Montgomery, Environmental Affairs Specialist
Responsible Corporate Officer - Signature

2/11/09

Date

Enclosure: Revised Outfall listing page

cc: Tim Corn - DNR

I. Current NPDES Permit No. ING040206 (New applicant will be assigned a number later.

II. WASTEWATER TREATMENT FACILITY LOCATION ADDRESS

Facility Name: Somerville East Mine
Address: P. O. Box 400
*City: Huntingburg State: IN Zip: 47542
Telephone: (812) 683-5024

III. DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS (ADDRESS WHERE IDEM IS TO SENT PRE-PRINTED DMRS)

Name: Rich Montgomery Title: Environmental Affairs Spec.
Address: P. O. Box 400
City: Huntingburg, IN 47542
Telephone: (812) 683-5024
Cognizant Official (Representative responsible for completing DMR):
Name: Rich Montgomery Title: Environmental Affairs Spec.

IV. OWNER ADDRESS

Owner Name: Black Beauty Coal Company Title: _____
Address: 7100 Eagle Crest Blvd., Suite 100
City: Evansville State: IN Zip: 47715
Telephone: (812) 424-8500

V. WASTEWATER TREATMENT PLANT OPERATOR/SUPERINTENDENT ADDRESS

Operator Name: Rodger Wilson Certificate No.: 6032
Address: c/o Rosedale Services, 702 East Main Street
City: Boonville State: IN Zip: 47601
Telephone: Work: (812) 897-2530 Home: _____

Somerville East Mine

Revision Date 02/11/09

Outfall	Latitude	Longitude	Drainage Status	Receiving Stream	DWBFV*
09S	38 18 54	87 14 28	Reclaimed	Unnamed Tributary Patoka River South Fork	0.00
017	38 19 27.3	87 15 06.6	Reclaimed	Hat Creek	0.00
022	38 18 43.7	87 15 19.3	Alkaline	Unnamed Tributary Patoka River South Fork	0.00
12S	38 19 25.5	87 15 08.2	Reclaimed	Hat Creek	0.00
FC2	38 19 03.8	87 15 18.7	Reclaimed	Hat Creek	0.00

* Dry Weather Base Flow Value

** Unconstructed

Note: Drainage status will be changed from unconstructed or undetermined to storm water runoff/new source when outfalls are constructed and receiving affected area drainage.